

Message Text

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ORIGIN OES-09

INFO OCT-01 EUR-12 EA-12 ISO-00 L-03 SIG-03 SAS-02
DOEE-00 NSCE-00 ACDA-12 CIAE-00 INR-10 IO-14
NSAE-00 EB-08 NRC-07 SOE-02 DODE-00 DOE-15 SS-15
SP-02 CEQ-01 PM-05 INRE-00 /133 R

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FM SECSTATE WASHDC

TO AMEMBASSY BRUSSELS IMMEDIATE

INFO AMEMBASSY PARIS IMMEDIATE

AMEMBASSY LONDON IMMEDIATE

AMEMBASSY ROME IMMEDIATE

AMEMBASSY DUBLIN IMMEDIATE

AMEMBASSY COPENHAGEN IMMEDIATE

AMEMBASSY THE HAGUE IMMEDIATE

AMEMBASSY LUXEMBOURG IMMEDIATE

AMEMBASSY BONN IMMEDIATE

AMEMBASSY VIENNA IMMEDIATE

AMEMBASSY TOKYO IMMEDIATE

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USEEC ALSO FOR EMBASSY, USIAEA

E.O. 11652: N/A

TAGS: ENRG, MNUC, TECH

SUBJECT: US-EURATOM RENEGOTIATION

REF: STATE 184573

PLEASE WITHDRAW LETTER CONTAINED REFTTEL. THIS TEXT IS
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INACCURATE. CORRECT TEXT OF JULY 20 LETTER FOLLOWS:

QUOTE

AS YOU KNOW, SECTION 126(A)(2) OF THE ATOMIC ENERGY ACT OF
1954, AS AMENDED, PROVIDES THAT CONTINUED COOPERATION UNDER
AN AGREEMENT FOR COOPERATION AS AUTHORIZED IN ACCORDANCE
WITH SECTION 124 OF THE ACT SHALL NOT BE PREVENTED BY THE

FAILURE TO MEET THE PROVISIONS OF PARAGRAPH (4) OR (5) OF SECTION 127 FOR 30 DAYS AFTER MARCH 10, 1978, AND FOR A PERIOD OF 23 MONTHS THEREAFTER IF THE SECRETARY OF STATE NOTIFIES THE COMMISSION THAT THE GROUP OF NATIONS BOUND BY THE RELEVANT AGREEMENT HAS AGREED TO NEGOTIATIONS AS CALLED FOR IN SECTION 404(A) OF THE NUCLEAR NON-PROLIFERATION ACT OF 1978. SUBSEQUENT EXTENSIONS OF THIS PERIOD MAY BE GRANTED BY THE PRESIDENT, SUBJECT TO CONGRESSIONAL REVIEW.

THE CURRENT AGREEMENTS FOR COOPERATION BETWEEN THE UNITED

STATES AND EURATOM DO NOT PROVIDE FOR PRIOR US APPROVAL FOR THE REPROCESSING OR ALTERATION OF US-SUPPLIED OR DERIVED NUCLEAR MATERIALS, AS REQUIRED BY SECTION 127(5) OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED BY THE 1978 ACT. IN ANTICIPATION OF THE PASSAGE OF THE NUCLEAR NON-PROLIFERATION ACT OF 1978, THE DEPARTMENT OF STATE, THEREFORE, ON OCTOBER 17, 1977, SENT A DIPLOMATIC NOTE TO THE EUROPEAN COMMUNITY REQUESTING AGREEMENT TO NEGOTIATIONS CONCERNING THE US-EURATOM NUCLEAR COOPERATION AGREEMENTS.

ON JULY 7, 1978, THE EUROPEAN COMMUNITY INFORMED US BY NOTE THAT IT AGREED TO OPEN DISCUSSIONS ON THE US-EURATOM COOPERATION AGREEMENTS. THIS NOTE, A COPY OF WHICH IS ENCLOSED, ALSO SETS FORTH SOME UNDERSTANDINGS ON THE BASIS OF WHICH THE EC HAS AGREED TO UNDERTAKE THESE DIS-

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CUSSIONS. THE DEPARTMENT ANTICIPATES THAT DISCUSSIONS PURSUANT TO THIS EXCHANGE OF NOTES WILL COMMENCE IN THE NEAR FUTURE.

THE DEPARTMENT OF STATE HAS DETERMINED THAT THE JULY 7 REPLY BY THE EUROPEAN COMMUNITY CONSTITUTES AGREEMENT TO NEGOTIATIONS AS CALLED FOR UNDER SECTION 404(A) OF THE NUCLEAR NON-PROLIFERATION ACT, AND I HEREBY NOTIFY THE COMMISSION OF THIS DETERMINATION. THE DEPARTMENT, THEREFORE, ASKS THE NUCLEAR REGULATORY COMMISSION TO GIVE PROMPT CONSIDERATION TO THE LICENSE APPLICATIONS FOR NUCLEAR EXPORTS TO EURATOM-MEMBER COUNTRIES PENDING BEFORE THE COMMISSION.

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